

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: Division Street (Lot 18) - Request for a (1) lot size variance from 11,700 square feet to 10,101 square feet and (2) width at the building line from 90 feet to 75 feet for a proposed home in the R-1AA (Single Family Dwelling District); (Nancy Jaeger, applicant).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7433

Agenda Date 01/22/07 Regular Consent Public Hearing – 6:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a (1) lot size variance from 11,700 square feet to 10,101 square feet and (2) width at the building line from 90 feet to 75 feet for a proposed home in the R-1AA (Single Family Dwelling District); (Nancy Jaeger, applicant); or
2. **DENY** the request for a (1) lot size variance from 11,700 square feet to 10,101 square feet and (2) width at the building line from 90 feet to 75 feet for a proposed home in the R-1AA (Single Family Dwelling District); (Nancy Jaeger, applicant); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Nancy Jaeger Division Street (lot 18) R-1AA Seminole Terrace
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant is proposing to construct a single family home on a platted lot which does not meet the required lot size and width at the building line. • There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property. 	

STAFF FINDINGS

The applicant has satisfied the criteria for the grant of a variance. Staff has determined that:

- Special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district. *Special conditions exist because the lot was platted in 1957 prior to the adoption of the Land Development Code in 1960.*
- Special conditions and circumstances did not result from the actions of the applicant. *The applicant owns lot 18 & 19 but lot 19 was granted a variance in 1999 for a single family home. The existing single family home that exists on lot 19 meets all the applicable setbacks for the R-1AA zoning district.*
- The granting of the variance requested would not confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district. *The majority of the platted lots in the surrounding area do not meet the 90 foot width at the building line requirement of zoning district.*
- The literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification. *Other properties in the Seminole Terrace plat have been developed on one platted lot.*
- The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. *The variances requested will only apply to the platted lot and no setback variances are being requested.*
- The applicant would not retain reasonable use of the land, building or structure without the granting of the variance. *The platted lot could not be developed unless there were variances granted for the lot size and width at the building line.*
- The grant of the variance would be in harmony with the general intent of Chapter 30.

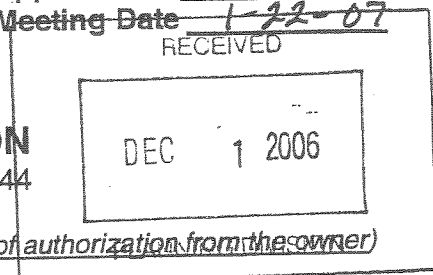
STAFF RECOMMENDATION	Based on the stated findings, staff recommends approval of the request, based upon the following conditions: <ul style="list-style-type: none">• Any variance granted shall apply only to the platted lot as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.
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Dec 1st

Fee: \$150.00 plus \$50.00 for each additional variance

COPY

Application # BV2006-197
Meeting Date 1-22-07



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION

1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Nancy Jaeger
Address: 2970 Division Street City: Oviedo Zip code: 32765
Project Address: Lot 18 Division Street City: Oviedo Zip code: 32765
Contact number(s): (407) 356-0649 wk (407) 366-7639 hm.
Email address: _____

Is the property available for inspection without an appointment? Yes No

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input type="checkbox"/> Pool	Please describe:
<input type="checkbox"/> Pool screen enclosure	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input checked="" type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?			
<input checked="" type="checkbox"/> Minimum lot size	Required lot size:	<u>11,700</u>	Actual lot size: <u>10,101</u>
<input checked="" type="checkbox"/> Width at the building line	Required lot width:	<u>90 ft.</u>	Actual lot width: <u>75 ft.</u>
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:
Use below for additional yard setback variance requests:			
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Total number of variances requested <u>2</u>			

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist are provided to the planning division.

Signed: Nancy A Jaeger

FOR OFFICE USE ONLY

Date Submitted: 12-1-06 Reviewed By: P. Johnson
 Tax parcel number: 27-21-31-5CC-0000-0180 Zoning/FLU R-1AA / LOR
 Legally created parcel (1971 tax roll, 5-acre dev, lot split)
 Platted Lot (check easements as shown on lots, in notes or in dedication)
 Lot size _____ Meets minimum size and width
 Application and checklist complete
 Notes: _____

VARIANCE SUBMITTAL CHECKLIST

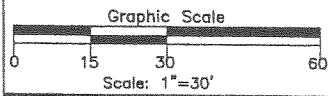
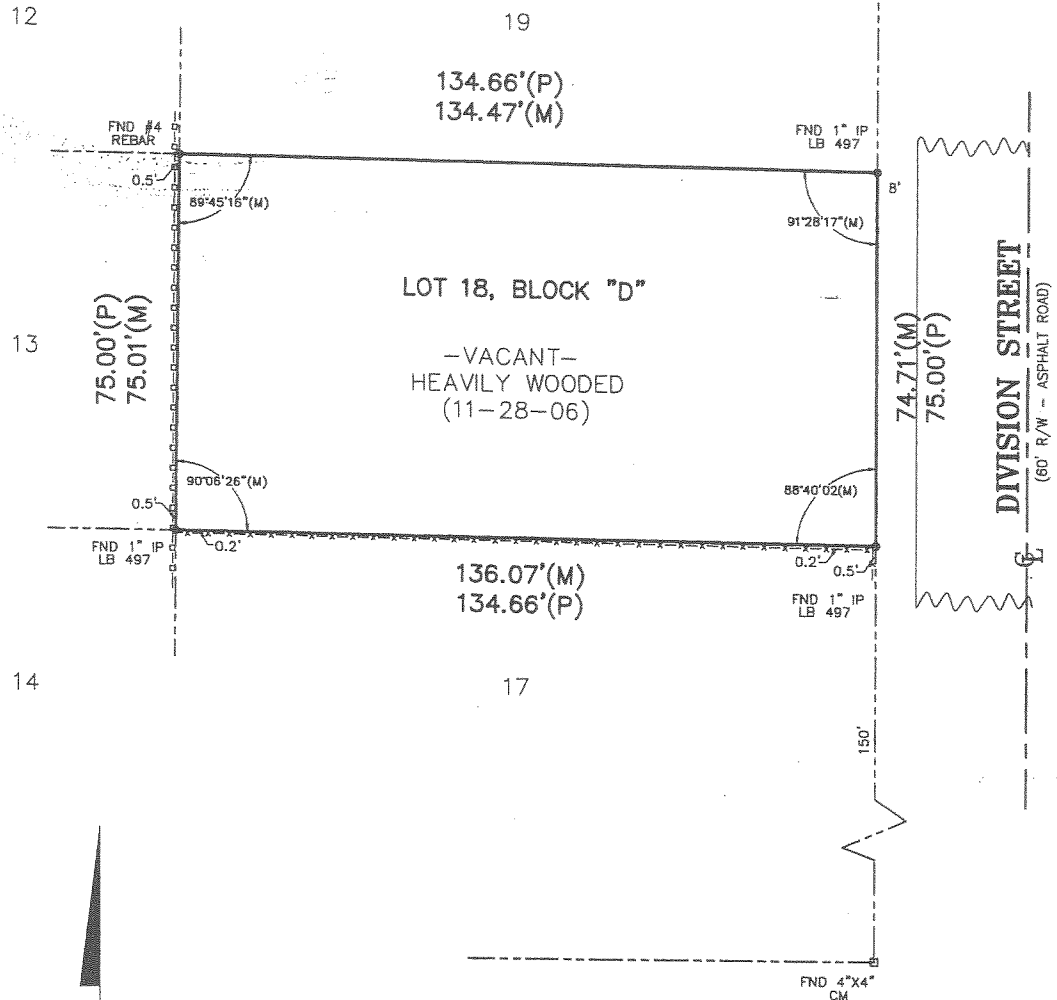
Please return this checklist with your application!

<p><i>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</i></p>	
	1. Completed application.
	2. Owner's authorization letter (if needed). <i>This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp</i>
	3. Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition <i>(Label existing, label proposed, and include square footage and dimensions of each)</i>
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements <i>(Label existing, label proposed, and include square footage and dimension of each)</i>
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities <i>(ex: water, sewer, well or septic)</i>
	4. Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 18, BLOCK "D", SEMINOLE TERRACE REPLAT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE(S) 29, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



CARRIGAN AVENUE

-LEGEND-			
C	- CALCULATED	PC	- POINT OF CURVATURE
CL	- CENTERLINE	Pg	- PAGE
CB	- CONCRETE BLOCK	PI	- POINT OF INTERSECTION
CM	- CONCRETE MONUMENT	P.O.B.	- POINT OF BEGINNING
CONC.	- CONCRETE	P.O.L.	- POINT ON LINE
ID	- DESCRIPTION	PP	- POWER POLE
DE	- DRAINAGE EASEMENT	PRM	- PERMANENT REFERENCE MONUMENT
ESMT.	- EASEMENT	PT	- POINT OF TANGENCY
F.E.M.A.	- FEDERAL EMERGENCY MANAGEMENT AGENCY	R	- RADIUS
FFE	- FINISHED FLOOR ELEVATION	RAD.	- RADIAL
FND.	- FOUND	R&C	- REBAR & CAP
IP	- IRON PIPE	REC.	- RECOVERED
L	- LENGTH (ARC)	ROF.	- ROOFED
M	- MEASURED	SET	- SET 5/8\"/>

BOUNDARY SURVEY PREPARED FOR: NANCY JAEGER
 BOUNDARY SURVEY CERTIFIED TO: NANCY JAEGER

FIELD DATE: 11-28-06
 DRAWN BY: KCR
 APPROVED BY: JPI
 FIELD: C.G., J.F., J.D.

> THIS PROPERTY IS NOT IN A FLOOD PRONE AREA, ZONE "X", BASED ON THE F.I.R.M. (FLOOD INSURANCE RATE MAP) COMMUNITY NUMBER 12117C, PANEL NUMBER 0165E, DATED 4-17-95.
 > FLOOD ZONE DETERMINATION SHOWN HEREIN IS GIVEN AS A COURTESY, AND IS SUBJECT TO FINAL APPROVAL BY F.E.M.A. THIS DETERMINATION MAY BE AFFECTED BY FLOOD FACTORS AND/OR OTHER INFORMATION NEITHER KNOWN BY NOR GIVEN TO THIS SURVEYING COMPANY AT THE TIME OF THIS ENDEAVOR.
 JPI SURVEYING, INC. AND THE SIGNING SURVEYOR ASSUME NO LIABILITY FOR THE ACCURACY OF THIS DETERMINATION.

JPI Surveying & Mapping, Inc.
 6001 Brick Court, Suite 117
 Winter Park, Florida 32792
 Office-407.678.3366
 Fax-407.671.6678

-NOTES-

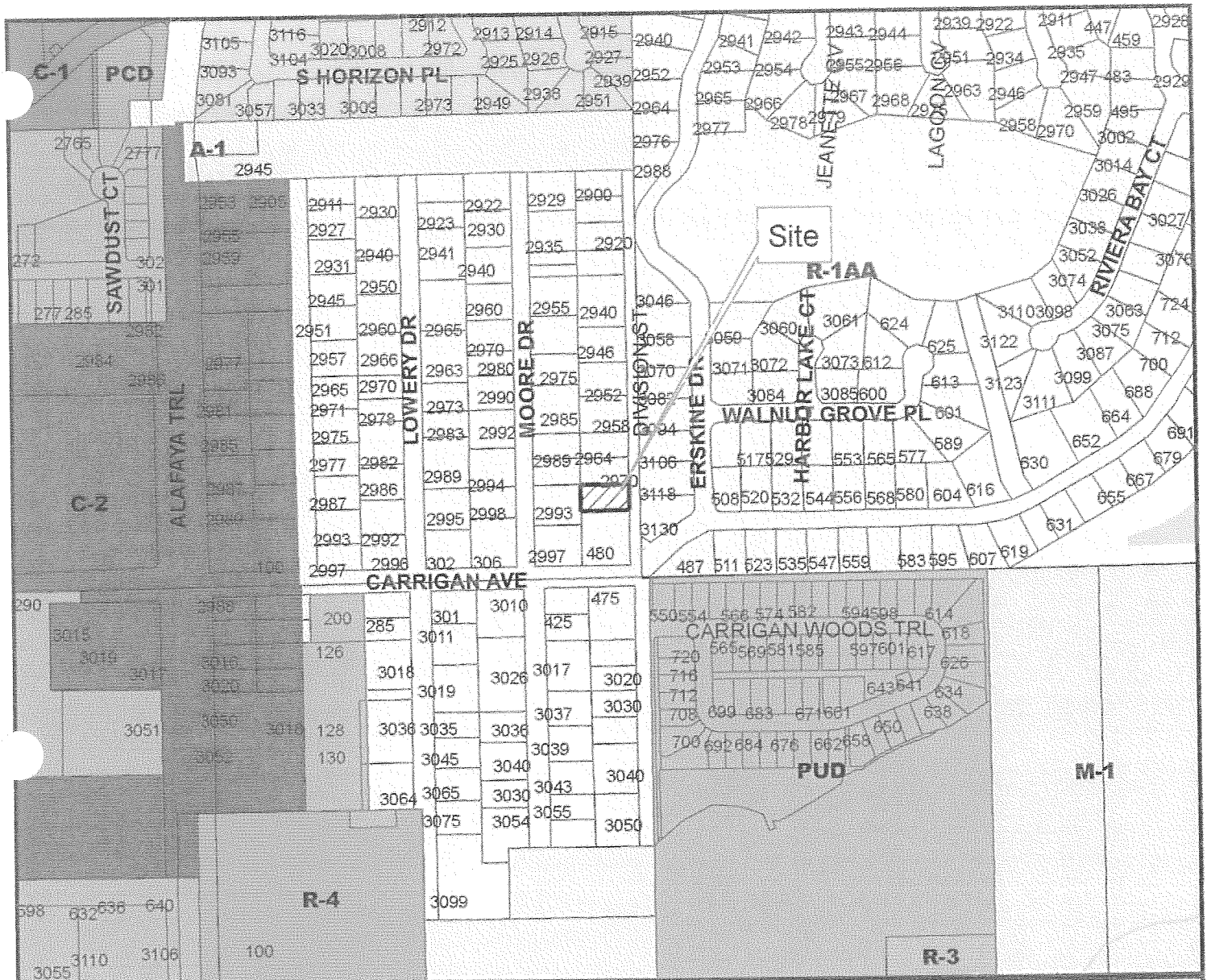
> SURVEY IS BASED UPON THE LEGAL DESCRIPTION SUPPLIED BY CLIENT.
 > UNDERGROUND UTILITIES AND FOOTERS HAVE NOT BEEN LOCATED UNLESS OTHERWISE NOTED.
 > SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS OF RECORD.
 > BEARING BASIS SHOWN HEREON, IS ASSUMED AND BASED UPON THE LINE DENOTED WITH A "BB".
 > BUILDING TIES ARE NOT TO BE USED TO RECONSTRUCT PROPERTY LINES.
 > FENCE OWNERSHIP IS NOT DETERMINED.
 > TREE SIZES IF SHOWN HEREON THIS SURVEY, ARE DIAMETERS OF TREES MEASURED AT BREAST HEIGHT.
 > ADJUTING PROPERTIES DEEDS HAVE NOT BEEN RESEARCHED FOR GAPS, OVERLAPS AND/OR HATCHES.
 > SURVEY IS NOT VALID FOR ANY OTHER TRANSACTION AFTER 90 DAYS FROM THE LATEST DATE SHOWN HEREON.
 > USE OF THIS SURVEY FOR PURPOSES OTHER THAN INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREON SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED.

HEREBY CERTIFY THAT THIS BOUNDARY SURVEY OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY SURVEYED UNDER MY DIRECTION ON THE DATE SHOWN. BASED ON INFORMATION FURNISHED TO ME AS NOTED AND CONFORMING TO THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA IN ACCORDANCE WITH CHAPTER 91G17-8, FLORIDA ADMINISTRATIVE CODES, PARAGRAPH 1 TO SECTION 472.07, FLORIDA STATUTES.

James P. Ireland
JAMES P. IRELAND PLS 4200 LB 7619
 DATE SIGNED: 11-28-06

THIS SURVEY IS INTENDED ONLY FOR THE USE OF SAID CERTIFIED PARTIES. THIS SURVEY NOT VALID UNLESS SIGNED AND EMBOSSSED WITH SURVEYOR'S SEAL.
 FILE NO. 703.00
CADD FILE: BEN'S\AIRLAND\06-IRELAND-DRAWINGS\KEN'S\DRAWINGS\SEMINOLETERRACELOT18-0703-06

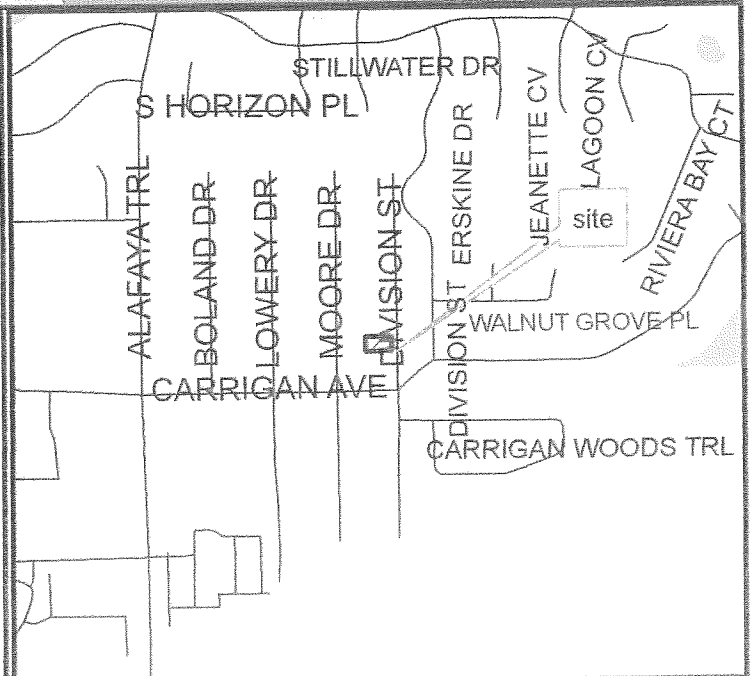
Nancy Jaeger
 Lot 18, Blk D, Seminole Terrace
 Division Street, Oviedo, Florida 32765



Seminole County Board of Adjustment
 January 22, 2007
 Case: BV2006-197 (Map 3213, Grid A5)
 Parcel No: 27-21-31-5CC-0D00-0180

Zoning

- | | | | | | |
|--|------------|--|-----|--|-----|
| | BV2006-197 | | R-2 | | C-2 |
| | A-1 | | R-3 | | M-1 |
| | R-1AA | | R-4 | | PUD |
| | R-1A | | C-1 | | PCD |



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY, FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7508		<table border="1"> <tr> <td>21</td> <td></td> <td>21</td> <td></td> <td>17</td> </tr> <tr> <td>20</td> <td>11</td> <td>20</td> <td></td> <td>18</td> </tr> <tr> <td>19</td> <td>12</td> <td>19</td> <td></td> <td>19</td> </tr> <tr> <td>18</td> <td>13</td> <td>18</td> <td></td> <td>20</td> </tr> <tr> <td>17</td> <td>14</td> <td>17</td> <td></td> <td>21</td> </tr> <tr> <td>16</td> <td>15</td> <td>16</td> <td></td> <td></td> </tr> </table> MOORE DR DIVISION ST ERSKINE DR CARRISAN AVE	21		21		17	20	11	20		18	19	12	19		19	18	13	18		20	17	14	17		21	16	15	16			
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GENERAL Parcel Id: 27-21-31-5CC-0D00-0180 Owner: JAEGER NANCY A Mailing Address: 2970 DIVISION ST City, State, Zip Code: OVIEDO FL 32765 Property Address: DIVISION ST OVIEDO 32765 Subdivision Name: SEMINOLE TERRACE REPLAT Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL			2007 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$14,187 Land Value Ag: \$0 Just/Market Value: \$14,187 Assessed Value (SOH): \$14,187 Exempt Value: \$0 Taxable Value: \$14,187 Tax Estimator																														
SALES <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>QUIT CLAIM DEED</td> <td>10/2002</td> <td>04581</td> <td>0459</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>05/2000</td> <td>03849</td> <td>1694</td> <td>\$100</td> <td>Vacant</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>02/1999</td> <td>03602</td> <td>1598</td> <td>\$25,000</td> <td>Vacant</td> <td>No</td> </tr> </tbody> </table> Find Comparable Sales within this Subdivision			Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	QUIT CLAIM DEED	10/2002	04581	0459	\$100	Vacant	No	QUIT CLAIM DEED	05/2000	03849	1694	\$100	Vacant	No	WARRANTY DEED	02/1999	03602	1598	\$25,000	Vacant	No	2006 VALUE SUMMARY 2006 Tax Bill Amount: \$229 2006 Taxable Value: \$14,187 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS		
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LAND <table border="1"> <thead> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>FRONT FOOT & DEPTH</td> <td>75</td> <td>134</td> <td>.000</td> <td>390.00</td> <td>\$14,187</td> </tr> </tbody> </table>			Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	FRONT FOOT & DEPTH	75	134	.000	390.00	\$14,187	LEGAL DESCRIPTION PLATS: <input type="text" value="Pick..."/> LEG LOT 18 BLK D SEMINOLE TERRACE REPLAT PB 11 PG 29																		
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NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																																	

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 18 BLK D Seminole Terrace Replt PB 11 PG 29

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Nancy Jaeger
2970 Division Street
Oviedo, FL 32765

Project Name: Division Street (lot 18)

Requested Development Approval:

Request for a (1) lot size variance from 11,700 square feet to 10,101 square feet; and (2) width at the building line from 90 feet to 75 feet for a proposed home

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall, Principal Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. The variance granted will apply only to the platted lot as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
April Boswell, AICP
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2007.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: